

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

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4 UNITED STATES OF AMERICA,

5 Plaintiff,

Docket No.:
20 CR 427 (AMD)

6 versus

7 DONNELL RUSSELL,

8 Defendant.

U.S. Courthouse
225 Cadman Plaza East
Brooklyn, NY 11201

9 October 12, 2021
11:00 a.m.

10 Transcript of Criminal Cause for Status Conference

11 Before: HONORABLE ANN M. DONNELLY,
12 District Court Judge

13 APPEARANCES

14 For the Government: JACQUELYN M. KASULIS, ESQ.
Acting United States Attorney
15 Eastern District of New York
271 Cadman Plaza East
16 Brooklyn, New York 11201
BY: NADIA SHIHATA, ESQ.,
17 ELIZABETH GEDDES, ESQ.,
18 MARIA CRUZ-MELENDZ, ESQ.
Assistant U.S. Attorneys

19 For the Defendant: FEDERAL DEFENDERS OF NEW YORK, INC.
1 Pierrepont Plaza
20 Brooklyn, New York 11201
BY: DOUGLAS MORRIS, ESQ.

21 Official Court Reporter: MICHELE NARDONE, CSR
22 Email: Mishrpr@aol.com

23 Proceedings recorded by mechanical stenography. Transcript
24 produced by computer-aided transcription.

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MICHELE NARDONE, CSR -- Official Court Reporter

1 (Via teleconference.)

2 (Defendant present.)

3 THE COURT: Good morning. It's Judge Donnelly.

4 Ms. Greene, can you call the case, please.

5 THE CLERK: Yes. This is criminal cause for a
6 status conference, Docket number 20 CR 427, USA versus Donnell
7 Russell.

8 Before asking the parties to state their appearance,
9 I would like to note the following: Persons granted remote
10 access to proceedings are reminded of the general prohibition
11 against photographing, recording, and rebroadcasting of court
12 proceedings. Violation of these prohibitions may result in
13 sanctions, including removal of court-issued media credential,
14 restricted entry to future hearings, denial of entry to future
15 hearings, or any other sanctions deemed necessary by the
16 Court.

17 Will the parties please state their appearance,
18 Government first.

19 MS. SHIHATA: Good morning, Your Honor. Nadia
20 Shihata, Liz Geddes, and Maria Cruz-Melendez for the United
21 States.

22 THE COURT: Good morning.

23 MR. MORRIS: Good morning, judge. Douglas Morris,
24 Federal Defenders, for Mr. Donnell Russell; and Mr. Russell is
25 on the line with us too.

1 THE COURT: Okay. Good morning, Mr. Morris.

2 Good morning, Mr. Russell.

3 THE DEFENDANT: Good morning, Your Honor.

4 I'm here for the -- I said I'm here for the matter
5 of Donnell Russell.

6 THE COURT: This is you, right?

7 THE DEFENDANT: I believe I have been known to go by
8 that, yes.

9 THE COURT: Mr. Morris, can you help me out here?

10 MR. MORRIS: Your Honor, my client, Mr. Russell --

11 THE DEFENDANT: No. I believe a fraud has taken
12 place in this matter, Your Honor.

13 THE COURT: Oh, Mr. Morris, what do you have to say
14 about this? This is a status conference.

15 THE DEFENDANT: I understand, but, for the record --

16 THE COURT: Mr. Russell, Mr. Russell. Can you not
17 do that.

18 This is the problem. I'm happy to hear from you,
19 but we have a court reporter that's taking down everything
20 that you say. If you interrupt me or you interrupt your
21 lawyer, it's -- first of all, it's not very polite; and the
22 second thing is it just makes it impossible for the court
23 reporter to do the job.

24 So wait until I ask you a specific question. Okay?

25 THE DEFENDANT: I understand.

1 THE COURT: Thank you.

2 MR. MORRIS: Your Honor, I didn't actually hear a
3 substantial part of what Mr. Russell said.

4 In any case, we are here for the status conference.

5 As I believe Ms. Shihata and have I spoken, the
6 Government has just produced another batch of discovery. I
7 believe that Ms. Shihata has said it's probably the last
8 batch.

9 We need to review that batch and have to talk about
10 it further, Mr. Russell and I; and we would ask for a status
11 conference in approximately a month or so. Your courtroom
12 deputy had indicated that November 18 at 11:30 would be
13 possible for the Court; and we would ask for an order of
14 excludable delay between now and then, if the Court does set
15 that date.

16 THE COURT: All right. And I take it that
17 Mr. Russell is in Chicago. So do you want to do this by
18 telephone again?

19 MR. MORRIS: Yes, Your Honor. Thank you. And I
20 have talked about that with Mr. Russell. So that we believe
21 that is an appropriate way to proceed.

22 THE COURT: All right. Ms. Shihata, anything else
23 you want to say?

24 THE DEFENDANT: Hi.

25 MS. SHIHATA: No, Your Honor, nothing else from the

1 Government.

2 THE COURT: Okay. So, Mr. Russell, I'm just going
3 to put this case over until November 18 at 11:30, so your
4 lawyer has a chance to go over all the materials with you.
5 And we will see where we are in November. Okay?

6 THE DEFENDANT: Ms. -- I would like to fire
7 Mr. Morris because of ineffective counsel.

8 THE COURT: Well, he is not ineffective. He is one
9 of the best lawyers in this district.

10 THE DEFENDANT: I believe a fraud has taken place in
11 this matter, and I just want to know -- listen, I want to know
12 what juris that I'm under -- and I have a reason to know.

13 THE COURT: Right.

14 THE DEFENDANT: I'm --

15 (Pause.)

16 THE COURT: Mr. Russell, the court reporter can't
17 take down what you are saying. You are talking too fast.

18 THE DEFENDANT: Okay.

19 THE COURT: So let me just sum up, if I can. I
20 think this is what you said.

21 You said you want to fire Mr. Morris, who is your
22 public defender. Correct, so far?

23 THE DEFENDANT: Put for ineffective counsel.

24 THE COURT: For ineffective counsel.

25 THE DEFENDANT: Correct.

1 THE COURT: The second thing you said was that you
2 don't understand what the jurisdiction is. Is that the other
3 thing you said?

4 THE DEFENDANT: No, I did not. I said what is the
5 juris that the Court is moving under, against my person.
6 That's what I asked -- because the contract was in equity.
7 That's what I'm asking.

8 THE COURT: That's all nonsense. So I'm not going
9 to change your lawyer now.

10 This is a criminal case. So none of those things
11 that you are talking about have any application.

12 The case is going to be adjourned to 11 -- to
13 November 18 at 11:30. That's an excludable adjournment in the
14 interests of justice so that counsel can discuss the discovery
15 material with Mr. Russell.

16 Thanks so much, everybody.

17 MR. MORRIS: Thank you, Your Honor.

18 (End of proceedings.)

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21 Certified to be a true and accurate transcript.

22 /s/ Michele Nardone

MICHELE NARDONE, CSR -- Official Court Reporter

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MICHELE NARDONE, CSR -- Official Court Reporter